

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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JUN 16 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:)
)
Implementation of Sections 3(n))
and 332 of the Communications Act) GN Docket No. 93-252
)
Regulatory Treatment of Mobile)
Services)

OPPOSITION TO
PETITIONS FOR RECONSIDERATION

Paging Network, Inc. ("PageNet"), by its attorneys and pursuant to Section 1.429 of the Commission's rules, hereby files its opposition to petitions for reconsideration of the Second Report & Order in the captioned proceeding, 9 FCC Rcd 1411 (1994) ("Second Report"). PageNet filed comments and reply comments in response to the Notice of Proposed Rulemaking in this proceeding.

Most of the issues raised by petitioners address cellular and broadband PCS services, rather than paging or narrowband PCS. Since PageNet's current interests lie with paging and narrowband PCS, it does not address those issues. However, should the Commission broaden any policy modification request to include paging or narrowband PCS, PageNet requests the Commission to seek further comment before it considers making a change in its policy that would affect those services.

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PageNet does focus on several issues raised in petitions for reconsideration. As more fully set forth below, PageNet supports MCI's request that the Commission conduct an investigation into the definition of "CMRS access" before it orders detariffing of such service. In addition, the Commission should not prohibit CMRS providers from filing access tariffs. PageNet also favors MCI's position that the Commission should clarify that mutual compensation is to be an obligatory part of CMRS interconnection arrangements.

II. THE COMMISSION SHOULD CONDUCT A FURTHER PROCEEDING TO DEFINE "CMRS ACCESS" BEFORE IT TAKES ADDITIONAL REGULATORY ACTION

MCI claims that the Commission has not justified its decision to temporarily forbear from regulating or permitting CMRS providers to file tariffs for interstate access and should therefore not do so until it has fully explored the situation. ^{1/} MCI also argues that the Commission has not defined "CMRS access" or developed a record to justify its detariffing. ^{2/} In this regard, MCI states that "CMRS access" may be a "bundle of interconnection, transport, switching and wireless loop functions," according to Commission references in the Second Report. ^{3/}

PageNet supports MCI's questioning of the definition of "CMRS access" and its detariffing without further analysis. The

^{1/} Id. at 7-12.

^{2/} Id. at 9.

^{3/} Id.

Commission should not take such steps absent further analysis of the public interest implications of its proposed actions. In this regard, as MCI stated, ^{4/} the Commission's policy could result in the detariffing of a substantial portion of local exchange carrier ("LEC") interstate access offerings. In addition, CMRS carriers should be permitted to maintain the option of filing interstate access tariffs if they determine that such a course will better serve their interests. The necessary amendment to Section 20.15(c) of the Rules should be made to accommodate this change.

III. MUTUAL COMPENSATION SHOULD BE AN INTEGRAL PART OF INTERCONNECTION ARRANGEMENTS.

The Commission set forth certain requirements for LEC provision of interconnection to CMRS providers. ^{5/} Among such requirements was that the principle of mutual compensation is to apply so that LECs are to compensate CMRS providers for reasonable costs incurred in terminating traffic originated on LEC facilities and, conversely, that CMRS providers are to compensate LECs for mobile-originated traffic terminating on LEC facilities. ^{6/} MCI seeks clarification of this obligation to the extent that the Commission regards mutual compensation as an essential component of reasonably priced LEC interconnection arrangements. ^{7/}

^{4/} Id. at 11.

^{5/} Second Report at ¶ 232.

^{6/} Id.

^{7/} MCI Petition at 14.

PageNet agrees with MCI and urges the Commission to firmly set forth its policy with regard to mutual compensation for CMRS. If the Commission embraces a broad interpretation of mutual compensation and establishes that it will scrutinize all complaints that mutual compensation is being unreasonably deferred or denied, this will guard against potential LEC refusal to negotiate equitable mutual compensation agreements and state commission refusal to require an LEC to establish reasonably priced interconnection for the exchange of intrastate CMRS calls. To preclude such adverse actions on the part of LECs and state commissions before they occur is prudent public policy.

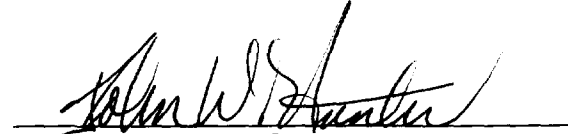
IV. CONCLUSION

PageNet urges the Commission to further consider the definition of "CMRS access" before it orders any regulatory action, to allow CMRS carriers to retain the option of filing interstate access tariffs, and to clarify that mutual compensation is to be an obligatory part of interconnection arrangements for CMRS.

Respectfully submitted,

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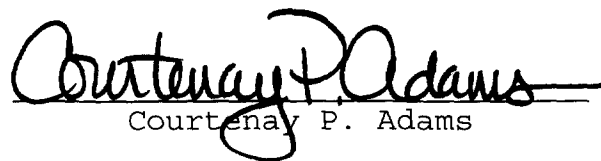
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